

director of the department of management shall make the necessary adjustments to the school district's budget to provide the modified allowable growth and shall make the supplemental aid payments.

Sec. 7. Section 298.10, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. For fiscal years beginning on or after July 1, 2009, if the school budget review committee determines that a school district's unexpended fund balance is in excess of the amount necessary for operations, the school budget review committee shall direct the school district to use the unexpended fund balance in lieu of levying property taxes and shall direct the department of management to do one of the following:

a. For the fiscal period beginning July 1, 2009, and ending June 30, 2012, limit the school district's cash reserve levy to a level that is not excessive as determined by the school budget review committee.

b. For fiscal years beginning on or after July 1, 2012, limit the school district's cash reserve levy to a level that is not excessive as determined by the school budget review committee and does not exceed the cash reserve limitation in subsection 2.

Sec. 8. Section 298.10, subsection 2, Code Supplement 2009, is amended to read as follows:

2. For fiscal years beginning on or after July 1, 2012, the cash reserve levy for a budget year shall not exceed twenty percent of the general fund expenditures for the year previous to the base year minus the ~~general fund~~ unexpended fund balance, as defined in section 257.2, for the year previous to the base year.

Sec. 9. EMERGENCY RULES. The department of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved January 20, 2010

## CHAPTER 1005

### STATE EMPLOYEE RETIREMENT INCENTIVES PROGRAM

*S.F. 2062*

**AN ACT** providing for a retirement incentive program for state employees and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### Section 1. 2010 STATE EMPLOYEE RETIREMENT INCENTIVE PROGRAM.

1. *Definitions.* As used in this section, unless the context provides otherwise:

a. "*Eligible employee*" means an employee or qualified employee who has filed a completed application for benefits with the Iowa public employees' retirement system created in chapter 97B in which the employee's or qualified employee's intended first month of entitlement, as defined in section 97B.1A, is no later than July 2010.

b. "*Employee*" means an employee, as defined by section 97B.1A, who is employed within the executive branch of this state. However, "*employee*" does not mean a qualified employee,

an elected official, or an employee eligible for the sick leave conversion program as described in section 70A.23, subsection 4.

c. “*Employer*” means a department, agency, board, or commission of the state that employs individuals.

d. “*Health insurance contribution benefit*” means the amount representing the monthly contribution cost of an affordable group health care plan offered by the state, as determined by the department of administrative services, providing coverage to the participant and, if applicable, the participant’s spouse for the applicable period of coverage.

e. “*Participant*” means a person who timely submits an election to participate, is accepted to participate, and does participate, in the state employee retirement incentive program established under this section.

f. “*Program*” means the state employee retirement incentive program established under this section.

g. “*Qualified employee*” means an employee of a judicial district department of correctional services, an employee in the office of a statewide elected official, or an employee of the state board of regents if the board elects to participate in the program.

h. “*Years of service incentive benefit*” means an amount equal to the entire value of an eligible employee’s accumulated but unused vacation plus, for eligible employees with at least ten years of state employment service, one thousand dollars for each year of state employment service up to a maximum of twenty-five years of state employment service. For purposes of this paragraph, “*state employment service*” means service, as defined in section 97B.1A, for which the employer is the state.

2. *Program eligibility.* To become a participant in the program, an eligible employee shall do all of the following:

a. Submit by April 15, 2010, a written application, on forms prescribed by the department of administrative services, seeking participation in the program.

b. Acknowledge in writing the eligible employee’s agreement to voluntarily terminate employment in exchange for the state employee retirement incentive program as provided in this section.

c. Agree to waive all rights to file suit against the state of Iowa, including all of its departments, agencies, and other subdivisions, based on state or federal claims arising out of the employment relationship.

d. Acknowledge, in writing, that participation in the program waives any right to accept any employment with the state other than as an elected official on or after the date the eligible employee separates from employment.

e. Agree to separate from employment with the state no later than June 24, 2010.

3. *Participant acceptance.* An eligible employee shall be accepted into the program if the department of administrative services determines that the eligible employee meets the requirements to be eligible to participate in the program.

4. *Program benefits.* Upon acceptance to participate in the program and separation from employment with the state no later than June 24, 2010, a participant shall receive the following benefits:

a. During September 2010, and each September thereafter for a total of five years, the state shall pay to the participant, or the participant’s beneficiary, an amount equal to twenty percent of the years of service incentive benefit for that participant. Receipt of a years of service incentive benefit pursuant to this section by a participant shall be in lieu of receiving a payment for the participant’s accumulated but unused vacation upon termination of employment.

b. For the period of time commencing with the first month in which a participant is ineligible for or exhausts the participant’s available remaining value of sick leave used to pay the state share for the participant’s continuation of state group health insurance coverage as provided in section 70A.23, subsection 3, and ending five years from the date the participant separates from employment with the state as provided in this section, the participant, or the participant’s surviving spouse, shall be entitled to receive a health insurance contribution benefit to be used by the participant or the participant’s beneficiary to pay the cost for eligible state group health insurance. The department of administrative services shall

determine what health insurance plans constitute eligible state group health insurance for purposes of this paragraph "b".

5. *Vacancies and reemployment.*

a. An employer shall not fill a position vacancy created as a result of participation in the program by an employee without approval from the department of management.

b. An employer shall not offer permanent part-time employment, permanent full-time employment, temporary employment, or retention as an independent contractor to a participant.

c. This section shall not preclude a participant from membership on a board or commission.

6. *Program administration and reporting.*

a. The department of administrative services shall administer the program and shall adopt administrative rules to administer the program. The department of administrative services and the department of management may adopt rules on an emergency basis under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

b. Records of the Iowa public employees' retirement system shall be released for the purposes of administering and monitoring the program subject to the requirements of section 97B.17, subsection 5.

c. The department of administrative services, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative services agency and the fiscal committee of the legislative council, by October 1, 2010, concerning the operation of the program. The department shall also submit an annual update concerning the program by October 1 of each year for four years, commencing October 1, 2011. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions not filled pursuant to the program, and the number of positions vacated by a program participant that have been refilled.

7. *Legislative and judicial branch employees.*

a. The legislative council may provide a retirement incentive program for employees of the legislative branch consistent with the program provided in this section for executive branch employees. If the legislative council provides an incentive program, the legislative council shall collaborate with the department of administrative services to establish the program as required under this section as nearly as identical as possible to the program provided executive branch employees under this section. The program provided pursuant to this paragraph "a" shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

b. The supreme court may provide a retirement incentive program for employees of the judicial branch consistent with the program provided in this section for executive branch employees. If the supreme court provides an incentive program, the supreme court shall collaborate with the department of administrative services to establish the program as required under this section as nearly as identical as possible to the program provided executive branch employees under this section. The program provided pursuant to this paragraph "b" shall establish the same time guidelines and benefit calculations as provided under the program for executive branch employees.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 10, 2010

**CHAPTER 1006****ETHICS — MISCELLANEOUS CHANGES***H.F. 2109*

**AN ACT** relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 68B.22, subsection 4, paragraph s, Code Supplement 2009, is amended to read as follows:

s. Gifts of food, beverage, and entertainment received by ~~public officials or public employees~~ at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within five business twenty-eight calendar days following the date of the function. The person or persons designated by the secretary of the senate and the chief clerk of the house shall forward a copy of each report to the board.

Sec. 2. Section 68B.31, subsection 4, paragraph a, subparagraphs (3) and (4), Code 2009, are amended to read as follows:

(3) Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators, and lobbyists, and clients as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the six members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator, ~~or lobbyist, or client.~~

(4) Receive and hear complaints and charges against members of its house, lobbyists, or clients of a lobbyist alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house or the independent special counsel. The committee shall recommend rules for the receipt and processing of findings of probable cause relating to ethical violations of members of the general assembly, or lobbyists, or clients of lobbyists during the legislative session and those received after the general assembly adjourns.

Sec. 3. Section 68B.31, subsection 5, Code 2009, is amended to read as follows:

5. Any person may file a complaint with the ethics committee of either house alleging that a member of the general assembly, ~~or a lobbyist, or client of a lobbyist~~ before the general assembly has committed a violation of this chapter. The ethics committee shall prescribe and provide forms for this purpose. The complaint shall include the name and address of the complainant and a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

Sec. 4. Section 68B.31, subsection 7, Code 2009, is amended to read as follows:

7. a. If the ethics committee determines that a complaint is not valid, the complaint shall be dismissed and returned to the complainant with a notice of dismissal stating the reason or reasons for the dismissal. If the ethics committee determines that a complaint is valid and the ethics committee does not take action under rules adopted pursuant to paragraph